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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	CASE NO. CR 12-0628 RS
	)	
v.	)	<del>[PROPOSED]</del> ORDER EXCLUDING TIME
	)	
CURTIS LEE JOHNSON, JR.,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

~~[PROPOSED]~~ ORDER EXCLUDING TIME

The parties appeared before the Court on April 15, 2014. Defendant Curtis Lee Johnson, Jr. appeared in custody, represented by Betsy Wolkin, Esq., who was appearing specially for defense counsel Michael Gaines, Esq. Assistant U.S. Attorney Andrew Scoble appeared on behalf of the government.

The parties informed the Court that defense counsel Michael Gaines is currently involved in a lengthy, multi-defendant murder trial in state court and is thus unavailable to appear on the days of the Court's regularly scheduled criminal calendar. The parties reported that they believe they have arrived at a plea agreement in this case, and therefore they requested that the case be specially set on May 9,

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2014 at 1:30 p.m. for change of plea. The parties further agreed in open Court that the time from April 15, 2014 through and including May 9, 2014 should be excluded from the otherwise applicable Speedy Trial Act calculation, because Mr. Curtis's counsel is currently unable to prepare effectively for further proceedings in the above-entitled case; and failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

Accordingly, based upon the parties' representations, and for good cause appearing, THE COURT FINDS THAT the ends of justice served by granting a continuance from April 15, 2014 through and including May 9, 2014 outweigh the best interests of the public and the defendant in a speedy trial. THE COURT FURTHER FINDS THAT failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).


THE COURT ORDERS THAT:

1. This case is continued to May 9, 2014 at 1:30 p.m. for change of plea. The parties should provide the Court with a copy of the proposed written plea agreement no later than noon on May 8, 2014.

2. The period from April 15, 2014 through and including May 9, 2014 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 4/15/14

  
HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE